

## REMARKS

In accordance with above amendments, an up-to-date slate of claims explaining changes is presented for the Examiner's consideration. A previously approved Figure 7 is tendered for the Examiner's approval in formal form and text has been added in the form of a brief description at page 6 and a detailed description of the figure at page 10, which material is believed to be fully supported by materials earlier in the application, specification and claims. An additional paragraph has been rewritten to correct certain grammatical and typographical errors, which were discovered to have crept into the text.

It is believed that the present slate of claims distinguishes over the references of record both individually and in combination. It is submitted that the Brandt patent (U.S. Patent 5,581,100), for example, does not teach any construction to shorten the pivotal radius of the system as is called for in all the present claims. In addition, Brandt does not require an angular position-sensing device to determine the arm location. Thus, Brandt teaches sensing arm position only broadly and does not teach or suggest the sensing device utilized in the present claims. Likewise, whereas Sizemore (U.S. Patent 5,505,576) shows the use of a rotary actuating device, that device does not participate in the lift and dump operation and has a very limited pivot arc. That device uses a rotary auger to lift and dump a grabbed container during which operation the pivotal position of the arm does not move. Therefore that device could not be controlled by applicants claimed system. Further applicants submit that the Sizemore device as disclosed and taught, could not be adapted to operate in the manner of the presently claimed device.

It is further believed that the other secondary references, including Duell, et al., (U.S. Patent 6,123,497) do not add any knowledge pertaining to the art that would in combination with

Brandt '100 and/or Sizemore '576 render the present inventive concept obvious. They all represent different approaches to different aspects of the art, Duell, for example, being related to a front-loading system that encounters a set of requirements that is different from that of a side-loading refuse vehicle.

In view of the above amendments taken together with the remarks herein, it is submitted that the present slate of claims distinguishes over the prior art known to the applicants, taken either singularly or in combination and reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



C. G. Mersereau, Reg. No. 26,205  
900 Second Avenue South  
Suite 820 International Centre  
Minneapolis, MN 55402  
Telephone: (612) 339-7461

#### CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment Under 37 CFR 1.111 (10pp.), one (1) sheet for formal patent drawings, a transmittal letter and a return receipt postcard in Serial No. 09/844,843 of applicants, CLAUDIU D. PRUTEANU, ET AL., filed April 27, 2001, for "AUTOMATED LOADER ARM", was deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, Alexandria, VA 22313-1450 on Thursday, August 21, 2003.

Dated: August 21, 2003.



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Anna Lemke  
On Behalf of C. G. Mersereau